

Iowa Department of Natural Resources
Natural Resource Commission

ITEM	18	DECISION
TOPIC	Notice of Intended Action – Chapter 94 – Deer Hunting by Non Residents	

The Commission is requested to approve this Notice to amend Chapter 94, “Deer Hunting by Non Residents.” Chapter 94 regulates nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation and reporting requirements.

The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A), which was modified by 2008 Iowa Acts, Senate File 2230. This new law specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt deer during any season in any zone. The new law requires the Commission to adopt rules to implement this code section.

A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and a nonresident deer hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and must have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license. These requirements conform to the statutory requirements of the new law.

Dale Garner, Wildlife Bureau Chief
Conservation and Recreation Division
August 14, 2008

Attachment: Notice of Intended Action: Chapter 94, Deer hunting by nonresidents

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Chapter 94 regulates nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation and reporting requirements. The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A) which was modified by 2008 Iowa Acts, Senate File 2230. This new law specifies that nonresidents 21 years of age or

younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt deer during any season in any zone. The new law requires the Commission to adopt rules to implement the code section. The rule will also update the implementation paragraph to include the new code section.

A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident deer hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 21, 2008. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 21, 2008, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should inform the Department of Natural Resources of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 , 481A.48 , 483A.1, 483A.8, and 483A.24.

The following amendments are proposed.

ITEM 1. Amend subrule 94.6(3) as follows:

94.6(3) ~~Antlerless defined. Rescinded IAB 3/1/06, effective 4/5/06.~~ Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(9A) to nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness.

ITEM 2. Amend the implementation paragraph as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, ~~and~~ 483A.8 and 483A.24.

Date

Richard A. Leopold, Director